UN

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/NGO/51
27 March 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 9 (d) of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Written statement submitted by the Refugee Policy Group, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 March 1996]

1. The vulnerability of persons displaced within the borders of their own countries has become increasingly apparent in recent years. Although there are an estimated 30 million internally displaced persons in the world today, substantial numbers do not receive adequate protection from their own Governments or from the international community. Most international efforts focus on the provision of relief with scant attention paid to defending the physical safety and fundamental human rights of those displaced. The complex nature of most situations of internal displacement makes it essential, however, that protection as well as assistance be addressed. For many internally displaced persons, security is as essential a priority as food.

2. The development of a more effective protection system should begin with the development of a legal framework for internally displaced persons. There is at present no clear formulation of the legal principles applicable to internally displaced persons and no instrument focused on their particular needs. The compilation and analysis of legal norms applicable to the

PROPERTY OF

internally displaced, which is currently before the Commission (E/CN.4/1996/52/Add.2), concludes that there are numerous areas of insufficient protection for internally displaced persons under existing international human rights and humanitarian law. In some cases, the legal norms do not explicitly address the identifiable needs of internally displaced persons. In other cases, there are clear gaps in the law.

3. The Representative of the Secretary-General on internally displaced persons, in his report to the Commission, considers the development of a legal framework an imperative for increasing protection for internally displaced persons. The United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and the Department of Humanitarian Affairs of the Secretariat have also expressed their support for the elaboration of legal principles for the internally displaced. Regional bodies have endorsed the development of standards as well. The Addis Ababa Document on Refugees and Forced Population Displacements in Africa, adopted at a conference organized by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1994, expressed support for the creation of legal mechanisms for the better protection of internally displaced persons. The San José Declaration on Refugees and Displaced Persons, adopted by representatives of all Latin American Governments in December 1994 in Costa Rica, endorsed the preparation of an international declaration of principles and basic rules for the protection and humanitarian treatment of internally displaced persons.

4. The Commission on Human Rights has the opportunity at this session to take steps toward the development of a legal framework and thereby make a major contribution to increasing protection for internally displaced persons. Specifically, the Commission should study the findings of the compilation and analysis of legal norms prepared under the auspices of the Representative of the Secretary-General. It then should consider the most appropriate method of setting forth in an explicit way the principles of protection applicable to the internally displaced and of addressing gaps in the law. The Refugee Policy Group believes that a declaration of principles would be the most appropriate way. In addition to clarifying applicable norms, a declaration would raise visibility of the plight of internally displaced persons and prove valuable in dialogues and discussions with Governments and other actors.

5. In addition to the development of a legal framework, greater attention must be paid to increasing on-the-ground protection for internally displaced persons by enlarging the human rights presence in the field. To begin with, more extensive and frequent on-site monitoring is needed beyond the one or two fact-finding missions that currently can be undertaken each year, for lack of resources, by the Representative of the Secretary-General. There are at least 40 countries in the world with serious problems of internal displacement. Not only must the Representative be enabled to undertake additional visits, but follow-up visits must be undertaken as well to ensure that the improvements agreed upon are carried out. The Commission should address the need for greater on-site monitoring by the Representative and also encourage the use of non-governmental organizations (NGOs), which could send follow-up missions into the field on behalf of the Representative.

6. The United Nations human rights field presence should also be expanded in areas with serious protection problems. UNHCR has repeatedly called for greater involvement of human rights bodies in field operations and for the development of joint strategies for monitoring the basic human rights and physical safety of internally displaced persons. The High Commissioner for Human Rights has proposed greater presence in countries with large internally displaced and refugee populations. Human rights bodies, however, have been slow to take up this challenge. At the same time, the deployment of field staff in Bosnia and Rwanda does demonstrate a more active and innovative approach to incorporating human rights concerns into international strategies for addressing problems of internal displacement. But the Centre for Human Rights will need greatly strengthened capacities to plan and oversee field operations in emergency situations on a regular basis. It will need to develop greater emergency preparedness and a roster of well-trained protection officers who could be called out in situations of internal displacement to ascertain protection needs, promote increased security, and also help to organize and monitor safe and voluntary returns.

7. Strong leadership will be needed to carry out this programme and to forge closer working relationships with humanitarian bodies in order to promote joint action on protection problems and the greater defence of the physical security and integrity of internally displaced persons. We respectfully call upon the Commission on Human Rights to take those steps needed to advance the creation of a more effective international system for addressing the problem of internal displacement and for responding rapidly and effectively to the protection needs of internally displaced persons.